

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

BRENTON HILL & TRENTON HILL, JR.

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VS.

Case No.

## PAVESTONE, LLC

## **PLAINTIFFS' ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES BRENTON HILL & TRENTON HILL, JR., Plaintiffs, complaining of  
PAVESTONE, LLC, Defendant, and for cause of action would show the Court the following:

1.

## **VENUE & JURISDICTION**

1. Plaintiffs are residents of Tyler, Smith County, Texas.
2. Defendant, PAVESTONE, LLC., is a Delaware corporation with its principal place of business in Georgia and may be served with process through its registered agent CT Corporation System, 1201 Peachtree St., NE, Atlanta, GA 30361. Citation is requested at this time.
3. This Court has jurisdiction over this matter pursuant to 28 U. S.C. §1332(a)(1) because of the following:
  - a. Plaintiff is a resident of the State of Texas;
  - b. Defendant PAVESTONE, LLC., is a Delaware corporation with its principal place of business in Georgia.
  - c. The amount in controversy exceeds \$75,000.00.

d. The incident made the basis of this suit occurred in the Eastern District of Texas, Marshall Division.

## II.

### FACTS

4. On or about September 23, 2016, Plaintiffs were traveling in a 2001 Lexus IS 300 operated by Trenton Hill, Jr. and traveling southbound on State Highway 31 preparing to enter the Interstate Highway 20 entrance ramp to proceed westbound on IH 20. A 2017 Freightliner traveling northbound on State Highway 31 and being operated by Cary Thomas Yeomans was also attempting to enter the westbound IH 20 entrance ramp and was faced with a yield sign. Yeomans failed to yield the right-of-way and entered the path of the vehicle occupied by Plaintiffs forcing the vehicle off of the road and causing it to slide down an embankment and impact the rear of the vehicle with a tree. At the time of his negligent acts or omissions, Yeomans was in the employ of and under the direction and control of Pavestone, LLC.

## III.

### CAUSES OF ACTION AGAINST PAVESTONE, LLC

5. At the time and on the occasion above-described, Cary Thomas Yeomans was negligent in various acts and omissions, which negligence was the proximate cause of the occurrence in question including, but is not limited to, the following:

- a. Failing to yield the right-of-way;
- b. Failing to keep a proper lookout;
- c. Failing to timely apply brakes;
- d. Failing to control the vehicle; and
- e. Failing to act and/or respond in a reasonable manner; and
- f. Other acts or omissions constituting negligence as may be shown at trial of this matter.

6. Each of the above described acts of negligence was the proximate cause of the occurrence in question and resulting injuries and damages to the Plaintiffs.

**IV.**

**DOCTRINE OF RESPONDEAT SUPERIOR**

7. At the time of the collision in question CARY THOMAS YEOMANS was an agent, servant and employee of PAVESTONE, LLC and he was in the course and scope of his employment and engaged in the service of PAVESTONE, LLC and in the furtherance of such business at the time he collided into the Plaintiffs on the date in question. Specifically, the Plaintiffs will show that PAVESTONE, LLC had the right to control all of the activities of CARY THOMAS YEOMANS, at all times material hereto and that these activities included driving the truck and trailer involved in the collision in question. Accordingly, CARY THOMAS YEOMANS was in the course and scope of his employment with PAVESTONE, LLC at the time of the collision in question, and therefore, PAVESTONE, LLC is responsible for all of Plaintiffs' damages under the doctrine of respondeat superior.

**V.**

**DAMAGES**

8. As a direct and proximate result of Defendant's conduct, the Plaintiff, BRENTON HILL has been injured in the following respects:

- a. Past physical pain, suffering, and mental anguish;
- b. Physical pain, suffering, and mental anguish that the Plaintiff will, in all reasonable medical probability, suffer in the future;
- c. Hospital, medical, doctor, ambulance and pharmaceutical bills incurred in the past;
- d. Hospital, doctor, medical, and pharmaceutical bills that the Plaintiff will, in all reasonable medical probability, incur in the future;
- e. Physical impairment to the person of the Plaintiff that has been incurred in the past;

- f. Physical impairment to the person of the Plaintiff which, in all reasonable medical probability, he will suffer in the future;
- g. Applicable costs of court.

9. As a direct and proximate result of Defendant's conduct, the Plaintiff, TRENTON HILL, JR. has been injured in the following respects:

- a. Past physical pain, suffering, and mental anguish;
- b. Physical pain, suffering, and mental anguish that the Plaintiff will, in all reasonable medical probability, suffer in the future;
- c. Hospital, medical, doctor, ambulance and pharmaceutical bills incurred in the past;
- d. Hospital, doctor, medical, and pharmaceutical bills that the Plaintiff will, in all reasonable medical probability, incur in the future;
- e. Physical impairment to the person of the Plaintiff that has been incurred in the past;
- f. Physical impairment to the person of the Plaintiff which, in all reasonable medical probability, he will suffer in the future;
- g. Applicable costs of court.

## **VI.**

### **INTEREST**

10. The Plaintiff hereby seek all Pre-Judgment and Post-Judgment Interest in the maximum amounts as allowed by law on each separate and individual element of damage.

## **VII.**

### **REQUEST FOR JURY TRIAL**

11. Plaintiff hereby requests a trial by jury.

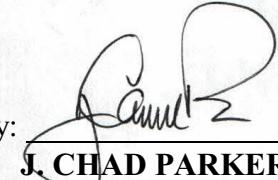
**VIII.**

**PRAYER**

12. WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that upon a final hearing they have judgment against the Defendant, PAVESTONE, LLC for the injuries and damages they sustained in excess of \$75,000.00; for pre-judgment interest; for all costs of suit, and for such other and further relief, general and special, legal and equitable, to which he may be entitled to receive.

Respectfully submitted,

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